

STATE OF NORTH CAROLINA  
ANSON COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 R 68

IN RE:	)	ADMINISTRATIVE ORDER
SUPERIOR COURT	)	REGARDING MEDICAL MALPRACTICE ACTIONS
MEDICAL MALPRACTICE ACTIONS	)	

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IT APPEARING to the Court that on June 18, 2021 the Governor of North Carolina signed into law Session Law 2021-47 (SB 255) (hereinafter, the "Act"). Section 1.(b) of the Act establishes a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division.

Section 1.(b) of the Act amends N.C.G.S. § 7A-47.3 to add a new subsection (e) as follows:

(e) The senior resident superior court judge, in consultation with the parties to the case, shall designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings in a case subject to G.S. 90-21.11 (2).

The requirements of N.C.G.S. § 7A-47.3(e) become effective October 1, 2021 for all medical malpractice cases filed on or after October 1, 2021 and for all medical malpractice actions pending on October 1, 2021.

Therefore, it is hereby ORDERED that, effective October 1, 2021, pursuant to the provisions of N.C.G.S. § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to hold

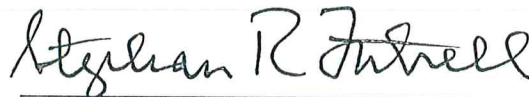
court in Judicial District 8A to preside over all proceedings in a case subject to N.C.G.S. § 90-21.11(2),

according to the following procedure:

- I. For all medical malpractice cases filed on or after October 1, 2021, or pending on October 1, 2021, the parties must file a Medical Malpractice Case Notification and Consultation Form (local "MedMal Form") with the Lenoir County Clerk of Superior Court upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first.
- II. A copy of the MedMal Form shall be submitted either by email or regular mail to the Trial Court Coordinator on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.
- III. In the interest of efficient case management, any attorney or unrepresented party who fails to file and submit the MedMal Form in accordance with these procedures, absent good cause, will be considered by the Court to have waived any objections to the proposed and requested dates and judges.

- IV. In requesting a superior court judge to preside over all proceedings in the case, the parties must contact the judge and obtain his or her agreement to be assigned to hear all proceedings in the case.
- V. In assigning a specific superior court judge to hear all proceedings in the case, the Senior Resident Superior Court Judge will consider, but is not bound by, the judge(s) requested by the parties.
- VI. The Trial Court Coordinator shall notify the parties of the judicial assignment.

This the 29<sup>th</sup> day of October, 2021.



Stephan R. Futrell  
Senior Resident Superior Court Judge  
Judicial District 16A

## STATE OF NORTH CAROLINA

File No.

County

In the General Court of Justice  
Superior Court Division

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

MEDICAL MALPRACTICE CASE  
NOTIFICATION AND CONSULTATION

**NOTE:** Parties in all Anson, Richmond and Scotland County Superior Court medical malpractice actions subject to N.C.G.S. § 90-21.11(2) are required to complete and file this form upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first. After filing with the appropriate Clerk of Superior Court, the parties shall deliver a copy of this form by email to the Trial Court Coordinator. Failure to comply with the 16A Judicial District Administrative Order Regarding Medical Malpractice Actions, absent good cause, will be considered a waiver of any objections to the proposed and requested trial dates and judges. This form serves as notification to and consultation with the Senior Resident Superior Court Judge.

In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and the 16A Judicial District Administrative Order Regarding Medical Malpractice Actions, the parties submit this completed form for review by the Senior Resident Superior Court Judge.

(1) Select one:

- ☐ The agreed-upon information herein is jointly submitted by the parties to this action.  
☐ The information herein is submitted by the Plaintiff(s) only; a copy has been delivered to Defendant(s).  
☐ The information herein is submitted by the Defendant(s) only; a copy has been delivered to Plaintiff(s).

(2) Date Case Filed: \_\_\_\_\_.

(3) Anticipated length of trial: \_\_\_\_\_.

(4) Proposed trial dates: \_\_\_\_\_.

(5) Available dates in the next 60 days for the medical practice discovery conference: \_\_\_\_\_.

(6) Select one:

- ☐ All parties voluntarily agree to waive venue for hearing pretrial motions.  
☐ The Plaintiff(s) voluntarily agree to waive venue for hearing pretrial motions.  
☐ The Defendant(s) voluntarily agree to waive venue for hearing pretrial motions.

(7) Requested superior court judge for assignment to preside over all proceedings in this case and his/her judicial district:

Judge \_\_\_\_\_ (District # \_\_\_\_\_)

Confirmation required: ☐ has been consulted / ☐ is agreeable to assignment.

**NOTE:** In assigning a superior court judge, the senior resident superior court judge may consider, but is not bound by, the judge requested by the parties.

Submitted by:

☐ Self-Represented Plaintiff☐ Plaintiff's Attorney☐ Self-Represented Defendant☐ Defendant's Attorney

Signature:

Signature:

Name:

Name:

Mailing Address:

Mailing Address:

Phone Number:

Phone Number:

Email Address:

Email Address:

Attach additional sheets as necessary to include names and contact information of all attorneys and self-represented litigants.

**STATE OF NORTH CAROLINA**

File No. \_\_\_\_\_

\_\_\_\_\_  
CountyIn the General Court of Justice  
Superior Court Division

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

**ORDER ASSIGNING JUDGE TO  
MEDICAL MALPRACTICE CASE**

In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and the **16A Judicial District Administrative Order Regarding Medical Malpractice Actions**, the Senior Resident Superior Court Judge has reviewed the Medical Malpractice Case Notification and Consultation form(s) filed by the parties and has determined that the superior court judge requested by the parties be assigned to preside over all proceedings in the case is

- ☐ Accepted and the assigned judge is as follows:

\_\_\_\_\_

- ☐ Rejected and the parties are ORDERED to confer and submit an amended Medical Malpractice Notification and Consultation form with a different requested superior court judge.

- ☐ Rejected and the Court assigns the following judge to preside over all proceedings in the case:

\_\_\_\_\_

Date

Name of Senior Resident Superior Court Judge

Signature of Senior Resident Superior Court Judge

Copies of this Order were sent to the following individuals on \_\_\_\_\_ by Chad B. Haywood, Superior Court Trial Court Coordinator, at the following email addresses: Chad.B.Haywood@nccourts.org

Plaintiff(s) Attorney(s):

Defendant(s) Attorney(s):

Superior Court Judge: